

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 50-64 are pending. Claims 55-64 have been added.

Rejection Under 35 U.S.C. § 101

Claims 50 and 54 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As set forth on page 11 of the Office Action, the Examiner asserts that claims 50 and 54 merely claim non-functional descriptive material stored on a medium, and, as such, fail to claim statutory subject matter. As amended, independent claim 50 recites a storage medium containing digital video information comprising video data units, wherein each video data unit has a control data packet containing control information for reproducing the digital video information. Claim 50 specifies that a reproducing apparatus accesses the control data packet during a playback operation and uses such control information to reproduce the stored digital video information. As such, amended claim 50 relates to a storage medium that stores functional material (i.e., control information accessed by a reproducing apparatus to control reproduction of digital video information). Accordingly, Applicants submit that claim 50 recites statutory subject matter. Furthermore, claim 54 is believed to recite statutory subject matter based on similar reasoning.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner's rejection under 35 U.S.C. § 101.

Rejection Under 35 U.S.C. § 102

Claims 50-54 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by Fujinami et al. (U.S. Patent 5,455,684). This rejection is respectfully traversed.

Independent claim 50 is directed to a storage medium containing digital video information obtained by coding a digital video signal using motion compensation prediction. The digital video information comprises intra-coded I-picture data, predictive-coded P-picture data and bi-directionally predictive-coded B-picture data. The digital video information

comprises video data units, each of which comprises a sequence of I-picture data, P-picture data, and B-picture data. Each of the video data units has a control data packet containing control information for reproducing the digital video information, wherein the control information includes a start address of a previous video data unit and next video data unit, and address information identifying an end of the I-picture data contained in the corresponding video data unit. A reproducing apparatus accesses the control data packet during a playback operation and uses the control information included in the control data packet to reproduce the digital video information.

Fujinami discloses a video/audio recording apparatus for recording encoded video/audio on a digital storage medium (DSM) 10. The recording apparatus receives encoded video data compressed in accordance with the MPEG coding standard, such that the compressed video signal includes I, P, and B coded pictures. See e.g., column 6, lines 60-67; column 12, lines 28-31. A header addition circuit 7, in cooperation with a control circuit 8, adds a video packet header to the video signal and an entry packet generation circuit 32 inserts an entry packet at a predetermined position in the video signal. Column 11, lines 52-63. An entry packet is positioned to precede a video packet consisting of a video packet header in a portion of the video signal that includes an I-picture. Column 12, lines 19-24. Each entry packet includes information regarding distances between the current entry point and positions of preceding and subsequent entry points, thereby enabling a high-speed search operation during playback from the DSM 10. Column 13, lines 4-9; column 19, lines 39-45.

Although the entry packet information in Fujinami is used to indicate entry points for a video packet that includes an I-picture, Applicants respectfully submit that this information does not include address information identifying an end of the I-picture data contained in a corresponding video data unit as required by claim 50.

According to MPEP § 2131, “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in

the ... claims.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913 (Fed. Cir. 1989).

At least in view of the above, Applicants respectfully submit that Fujinami fails to anticipate claim 50. Claims 51-64 are believed to define over Fujinami at least based on similar reasoning to that set forth above with respect to claim 50.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the Examiner’s rejection under 35 U.S.C. § 102.

Double Patenting Rejections

1. U.S. Patent 6,009,236/U.S. Patent 6,134,382 in view of Fujinami

Claims 50-54 stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,009,236 (“the ‘236 patent”) in view of Fujinami; and further stand rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,134,382 (“the ‘382 patent”) in view of Fujinami. These rejections are respectfully traversed.

In rejecting claims 50-54 based on the allegedly obvious combination of ‘236 patent claims and Fujinami, the Examiner relies on Fujinami as allegedly teaching the feature of the claimed control data packet. See Office Action, pages 3-4. For reasons discussed above with respect to the rejection under 35 U.S.C. § 102, however, Applicants submit that the entry point packet information disclosed in Fujinami fails to include address information identifying an end of the I-picture data contained in a corresponding video data unit. At least for this reason, the asserted combination of claims of the ‘236 patent and Fujinami fails to establish obviousness of any pending claim.

Similarly, the Examiner’s rejection of claims 50-54 based on an allegedly obvious combination of ‘382 patent claims and Fujinami relies on Fujinami as allegedly teaching the claimed control information. See Office Action, page 6. Applicants again note, however, that Fujinami fails to teach control information including address information identifying an end of the I-picture data contained in a corresponding video data unit. Consequently, Applicants

respectfully submit that the asserted combination of '382 patent claims and Fujinami fails to establish obviousness of any pending claim.

2. U.S. Patent 6,549,717

Claims 50-54 stand rejected on the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of U.S. Patent 6,549,717. This rejection is respectfully traversed.

With respect to U.S. Patent 6,549,717 ("the '717 patent"), the Examiner relies on claim 2 as allegedly being encompassed by claims of the present application. Applicants note, however, that claim 2 of the '717 patent fails to include the feature of control information including address information identifying an end of the I-picture data contained in a corresponding video data unit. As such, Applicants respectfully disagree with the conclusion that claim 2 of the '717 patent is encompassed by the scope of any claim pending in the present application. Consequently, Applicants respectfully submit that claims in the present application are not rendered obvious based on claim 2 of the '717 patent.

3. Co-pending Application 10/083,475

Claims 50-54 stand provisionally rejected under the doctrine of obviousness-type double patenting as allegedly being unpatentable over claims of co-pending application no. 10/083,475. This rejection is respectfully traversed.

With respect to application no. 10/083,475 ("the '475 application"), the Examiner asserts that claim 56 of the '475 application is encompassed by claims of the present application. Applicants note, however, that claim 56 of the '475 application fails to include the feature of address information identifying an end of the I-picture data contained in a corresponding video data unit. As such, Applicants respectfully disagree with the Examiner's conclusion that claim 56 of the '475 application is encompassed by the scope of any claim pending in the present application. Consequently, Applicants respectfully submit that the claims in the present application are not rendered obvious based on claim 56 of the '475 application.

In view of the above, Applicants respectfully request reconsideration and withdrawal of the provisional and non-provisional rejections based on the doctrine of obviousness-type double patenting.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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